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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

KEVIN DUGAN and ROMAN ZIELONKA, Plaintiffs, v. BEST BUY CO. INC., Defendant.	Civil Action No.: ______________ **NOTICE OF REMOVAL**

TO: Clerk of the Court
United States District Court for the District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

PLEASE TAKE NOTICE that Defendant Best Buy Co., Inc. ("Defendant"), by its attorneys, Seyfarth Shaw LLP, and pursuant to 28 U.S.C. §§ 1332 and 1441, hereby files this Notice of Removal with respect to the case identified as Kevin Dugan and Roman Zielonka v. Best Buy Co. Inc., Docket No. BUR-L-1670-16 (the "State Court Action"), from the Superior

Court of New Jersey, Law Division, Burlington County. In support of this Notice of Removal, Defendant states as follows:

Timeliness of Removal

1. On August 9, 2016 Plaintiffs filed a Complaint and Demand for Jury Trial (the "Complaint") with the Clerk of the Superior Court of New Jersey, Law Division, Burlington County. (A true and correct copy of the Complaint is annexed hereto as "**Exhibit A**.").

2. On August 22, 2016, Plaintiffs Kevin Dugan and Roman Zielonka ("Plaintiffs") filed their First Amended Complaint and Demand for Jury Trial (the "Amended Complaint") with the Clerk of the Superior Court of New Jersey, Law Division, Burlington County. (A true and correct copy of the Amended Complaint is annexed hereto as "**Exhibit B**.").

3. Defendant has filed no pleadings in the State Court Action.

4. On August 25, 2016, a copy of the Amended Complaint was served on Defendant via hand delivery. Because Defendant has filed this Notice of Removal within thirty (30) days of service, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

Basis for Removal

5. The basis for removal is diversity of citizenship under 28 U.S.C. § 1332, in that:

(a) Plaintiff Kevin Dugan is a citizen of the State of New Jersey, residing at 33 Spyglass Court, Westampton, New Jersey 08060 (Am. Compl. ¶ 2);

(b) Plaintiff Roman Zielonka is a citizen of the State of New Jersey, residing at 412 Helen Street, Linden, New Jersey 07036 (Am. Compl. ¶ 3); and

(c) Defendant Best Buy Co. Inc. is a citizen of the State of Minnesota with its principal place of business in Minnesota.

Accordingly, this action is one in which none of the parties in interest, properly joined and served as a defendant, is a citizen of the state in which the action was brought. 28 U.S.C. § 1441(b).

6. Defendant believes in good faith that the amount in controversy in this matter exceeds $75,000.00, exclusive of interest and costs, as required by 28 U.S.C. § 1332(a). Specifically, in their relief requested, Plaintiffs seek (1) lost wages and benefits; (2) compensatory damages; (3) emotional damages; (4) punitive damages; and (5) attorneys' fees. (Am. Compl. Wherefore Clause). These collectively are items that would exceed $75,000 if Plaintiffs were to prevail at trial.

7. In sum, because diversity of citizenship exists under 28 U.S.C. § 1332(a)(1) and the amount in controversy exceeds $75,000, as required by 28 U.S.C. § 1332(a), this case falls within the original jurisdiction of this Court and is subject to removal on diversity grounds.

8. This Notice of Removal is being filed in the United States District Court for the District of New Jersey, Camden Vicinage because this is the district court vicinage in which the State Court Action is pending. 28 U.S.C. § 1441(a).

9. Pursuant to 28 U.S.C. § 1446, Defendant will file written notice of the filing of this Notice of Removal, together with a copy of the Notice of Removal, with the Clerk of the Superior Court of New Jersey, Burlington County, Law Division. Defendant will also serve a copy of the notice filed with the Superior Court of New Jersey on counsel for Plaintiffs.

10. By filing this Notice of Removal, Defendant does not waive any defenses available at law, in equity, or otherwise.

WHEREFORE, Defendant respectfully requests that the above-referenced civil action proceed in the United States District Court for the District of New Jersey, Camden Vicinage as an action properly removed thereto.

Dated: September 12, 2016

SEYFARTH SHAW LLP

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CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2016, a true and correct copy of DEFENDANT'S NOTICE OF REMOVAL WITH EXHIBITS A-B, CIVIL COVER SHEET, AND FED. R. CIV. P. 7.1 CORPORATE DISCLOSURE STATEMENT were electronically filed with the Clerk of the District Court and served upon counsel for Plaintiffs at the following address of record via Federal Express, postage prepaid:

Patricia A. Barasch, Esq.
Schall & Barasch LLC
Moorestown Office Center
110 Marter Avenue, Suite 302
Moorestown, NJ 08057

/s/ Howard M. Wexler
Howard M. Wexler